

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael Breyan,)
)
Plaintiff,) Civil Action No. 2:24-cv-5273-BHH
v.)
)
Clerk of Court,)
United States District Court for the)
South District of California,)
)
Defendants.)

)

ORDER

This matter is before the Court upon Plaintiff Michael Breyan's pro se ("Plaintiff") complaint filed pursuant to 42 U.S.C. § against the Clerk of Court for the United States District Court for the Southern District of California, alleging that he or she failed to return certain property to Plaintiff. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On October 1, 2024, the Magistrate Judge issued a report and recommendation ("Report"), outlining the issues and recommending that the Court transfer this case to the United States District Court for the Southern District of California for further proceedings because the District of South Carolina does not satisfy 28 U.S.C. § 1391 for venue to be proper in this Court. Attached to the Magistrate Judge's Report was a notice advising Plaintiffs of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. **Accordingly, the Court hereby adopts and incorporates the Magistrate Judge’s Report (ECF No. 7), and the Court transfers this action to the United States District Court for the Southern District of California for further handling.**

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

October 29, 2024
Charleston, South Carolina